



State of Tennessee
Department of State
Division of Business Services
Wm. R. Snodgrass Tower
312 Rosa L. Parks Avenue, 6th Floor
Nashville, Tennessee 37243

9/30/2015
Date

70150640000395612249
Certified Number

File No: 15C1132

Company: **BOJANGLES RESTAURANTS**

Name:

Agent/POE:

Address: 9432 SOUTHERN PINE BLVD
CHARLOTTE, NC 28273

Country:

RE: LISA JOHNSON

VS: BOJANGLES RESTAURANTS, INC.

Notice of Service

The enclosed summons and attachments are hereby officially served upon you by the Office of the Tennessee Secretary of State pursuant to Tennessee Law. Please refer to the summons and attachments for details concerning the lawsuit filed against you. If you have any questions, please contact the clerk of the court which issued the summons. You can obtain the court's telephone number by calling information (area code) 555-1212. The name of the court and county where the court is located will be on the attached summons.

The summons will either tell you a court date and time at which you must appear to defend yourself or tell you the number of days from the day you are served within which you must file an answer upon the plaintiff's attorney. Failure to appear in court at the time specified or failure to answer the summons within the given time could result in a judgement by default being rendered against you for relief sought in the lawsuit.

The Secretary of State's Office cannot give you legal advice. If you need legal advice, please consult a private attorney.

Sincerely,

Tre Hargett

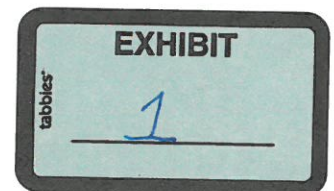
Tre Hargett
Secretary of State

received
10/6/15

enclosures

Initial: ADW

CC:



Serve

Hamilton County	STATE OF TENNESSEE CIVIL SUMMONS page 1 of 1	Case Number 15C1132
Lisa Johnson vs. Bojangles Restaurants, Inc.		

Served On:

Bojangles Restaurant, Inc. 9432 Southern Pines Blvd. Charlotte NC

You are hereby summoned to defend a civil action filed against you in Circuit Court, Hamilton County, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint.

Issued:

9.22.15

Clerk / Deputy Clerk

Attorney for Plaintiff:

Law Office of Ronald Aronoff LLC
537 Market St - Ste 2220 Chattanooga, TN 37402

NOTICE OF PERSONAL PROPERTY EXEMPTION

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. Please state file number on list.

Mail list to

Clerk, _____ County

CERTIFICATION (IF APPLICABLE)

I, Larry Henry

the original summons issued in this case

Clerk of Hamilton County do certify this to be a true and correct copy of

Date:

9.22.15

Clerk / Deputy Clerk

OFFICER'S RETURN: Please execute this summons and make your return within ninety (90) days of issuance as provided by law.

I certify that I have served this summons together with the complaint as follows: _____

Date:

By: _____
Officer, Title

RETURN ON SERVICE OF SUMMONS BY MAIL: I hereby certify and return that on _____, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant _____. On _____ I received the return receipt, which had been signed by _____ on _____. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date:

Notary Public / Deputy Clerk (Comm. Expires _____)

Signature of Plaintiff

Plaintiff's Attorney (or Person Authorized to Serve Process)
(Attach return receipt on back)

ADA: If you need assistance or accommodations because of a disability, please call _____, ADA Coordinator, at () _____

Rev. 03/11

CIVIL CASE COVER SHEET

Check one: ☐ CHANCERY COURT ☒ CIRCUIT COURT Docket NO. _____

Date 9/18/15 Attorney of Record Ronald Aronds Esq. 537 Market St. Ste. 4220

I. Origin ☒ Original Proceeding ☐ Case Reopened ☐ Counter-Claim ☐ Cross-Claim ☐ 3rd Party Claim ☐ Intervening Claim Chattanooga, TN 37402

II. Type of Action (Check one)

Domestic Relations

☐ 361 Paternity ☐ 362 Legitimation ☐ 363 Adoption ☐ 364 Surrender
☐ 371 Divorce with minor children ☐ 372 Divorce without minor children ☐ 381 Order of protection ☐ 391 Interstate Support-Incoming
☐ 383 Residential Parenting ☐ 384 Residential Parenting ☐ 385 Child Support ☐ 387 Wage Assignment
☐ 401 Other Domestic Relations (Specify) _____ ☐ 392 Interstate Support-Outgoing Hearing

General Sessions Appeal (check box if case is appealed or transferred from General Sessions Court) ☐ Yes

General Civil

☐ 451 Medical Malpractice ☐ 461 Contract/Debt ☐ 462 Specific Performance ☒ 471 Damages/Torts
☐ 481 Real Estate Matter ☐ 491 Workers Compensation ☐ 501 Probate ☐ 511 Juvenile Court Appeal
☐ 513 Appeal from Admin. Hearing ☐ 571 Conservatorship ☐ 572 Guardianship ☐ 573 Trust
☐ 581 Miscellaneous General Civil (Specify) _____
☐ 541 Judicial Hospitalization ☐ 382 Contempt ☐ 383 Residential Parenting/No Child Support
☐ 384 Residential Parenting/Child Support ☐ 385 Child Support ☐ 387 Wage Assignment Hearing
☐ 501 Probate ☐ 541 Judicial Hospitalization ☐ 571 Conservatorship ☐ 572 Guardianship
☐ 573 Trust ☐ 551 Other _____

III. Total amount sued for \$ 1,000,000.00 Specific type of damages or relief sought personal/mental injuries

Statutory authority for suit, if any TN statutes section 4-21-101 et. seq. and discrimination in

IV. Check one: ☐ Affidavit to proceed in forma pauperis ☒ Cost Bond Surety 10,000.00

V. JURY DEMAND (Check YES only if demand in complaint) ☒ YES ☐ NO

VI. RELATED CASES (if any) Docket NO. _____ Judge _____
 Date filed _____ Status _____

VII. PLAINTIFF/PETITIONER INFORMATION (List additional parties on supplemental form)

I. Name Johnson Lisa First Middle

DOB 2/5/1979 Social Security # XXX-XX-7348

70 Law Office of Ronald Aronds

COMPANY NAME 537 Market St. - Ste. 4220

ADDRESS Chattanooga TN 37402

CITY Chattanooga STATE TN ZIP 37402

EMPLOYER _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

VIII. DEFENDANT/RESPONDENT INFORMATION (List additional parties on supplemental form)

I. Name Bojangle's Restaurant, Inc. First Middle

☐ AKA ☐ DBA ☐ CBNF Bojangle's First Middle

DOB _____ Social Security # XXX-XX-

COMPANY NAME Bojangle's International, Inc.

ADDRESS 9437 Southern Pine Blvd.

CITY Chattanooga STATE TN ZIP 37402

EMPLOYER _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____

TYPE OF SERVICE REQUIRED

☐ Out of County Sheriff ☐ Publication (Specify) _____

☐ Local Sheriff ☒ Other (Specify) certified mail Return Receipt

☐ Secretary of State Special Instructions _____

☐ Comm. of Ins. _____

IX. ASSOCIATED PARTY (Uninsured Motorist Carrier) INFORMATION

I. Name _____ Address _____

Type of Service (specify) _____

Are additional plaintiffs or defendants listed on a separate sheet? ☐ YES ☐ NO

(Form 022, Rev 2015 05 14)

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

Lisa Johnson,

Plaintiff,

vs.

Docket No.

**Bojangles' Restaurants, Inc.,
and Bojangles' International, LLC,
And John Doe 1 through 20
(as potential currently unidentified defendants)
And Jane Doe 1 through 20 (as potential
currently unidentified defendants)
and ABC Corporation 1 through 20 (as potential
currently unidentified defendants),**

Division: Civil

Jury Demanded

Defendants.

COMPLAINT

Plaintiff, Lisa Johnson, files this action against Bojangles' Restaurants, Inc., and Bojangles' International, LLC and would respectfully show the Court as follows:

I. INTRODUCTION

1. Plaintiff Lisa Johnson seeks damages against Bojangles' Restaurants, Inc., Bojangles' International, LLC, for a series of sexual harassment she suffered while employed at Bojangles store #69 located in Hixson, Tennessee, in violation of the Tennessee Human Rights Act ("THRA"), § 4-21-101, *et seq*, and other applicable law.

II. PARTIES

2. The Plaintiff, Lisa Johnson, was at all times referenced herein a resident citizen of Hamilton County, Tennessee.

3. Upon information and belief, and at all times relevant hereto, the Defendant, Bojangles' Restaurants, Inc., and Bojangles' International, LLC (hereinafter referred to as "Bojangles'"), is a Delaware company with its principal office located at 9432 Southern Pine Blvd, Charlotte, North

Carolina 28273-5553. Bojangles' operates a chain of restaurants with multiple locations in Tennessee.

4. Upon information and belief, and at all times relevant hereto, the Defendant, Bojangles', is a company doing business in Hamilton County, Tennessee, but has never been registered with the Tennessee Secretary of State as a corporation doing business in the State of Tennessee.

5. Upon information and belief, the Defendants, Bojangles' Restaurants and Bojangles' International, LLC, may be served at its principal office at 9432 Southern Pine Blvd, Charlotte, North Carolina 28273-5553.

6. Plaintiff was at all times relevant hereto employed by Bojangles' store #69 located in Hixson, Tennessee. It is anticipated that the currently unnamed co-worker who harassed plaintiff will be identified during the course of discovery.

7. Plaintiff alleges that her workplace supervisor failed to follow company policy when she terminated plaintiff's employment for complaining about the sexual assaults and harassment that she was subjected to, in violation of Tennessee Law. It is believed that the defendant workplace supervisor's identity will be determined throughout the course of discovery.

III. VICARIOUS LIABILITY

8. Defendant, Bojangles' Restaurants, Inc., and Bojangles' International, LLC, such that Defendant, Bojangles' Restaurants, Inc., and Bojangles' International, LLC are vicariously liable for the negligent acts and omissions of their employees which resulted in the injuries to the plaintiff.

IV. JURISDICTION AND VENUE

9. The jurisdiction of this Court is pursuant to Tenn. Code Ann. § 20-2-201, and Tenn. Code Ann. § 20-2-214, the Common Law of Tennessee, and other applicable laws. The Defendant, Bojangles', was at all times relevant to this complaint doing business in Tennessee and is subject

to jurisdiction through the State's long-arm statute, Tenn. Code Ann. § 20-2-201 et seq., specifically Tenn. Code Ann. § 20-20-214(a)(1), (2) and (5).

10. The unlawful acts alleged in this complaint occurred in Hamilton County, Tennessee. Accordingly, venue is proper in this Court pursuant to *inter alia*, T.C.A. § 20-4-101(a), because all or part of this cause of action arose within Hamilton County, Tennessee.

V. FACTS AND ALLEGATIONS

11. Plaintiff was employed at Bojangles' store #69 located at 4701 Hixson Pike, Hixson, Tennessee, 37343. During her employment at Bojangles', Plaintiff suffered constant threats of physical harm, sexual harassment, and sexual assault.

12. On at least one occasion the plaintiff was threatened with a box cutter by one of her co-workers. On numerous occasions the Plaintiff was subjected to sexual harassment by touching and tickling of the plaintiff. On numerous occasions the plaintiff was subjected to sexual harassment by a co-worker making sexual comments to her, and generally engaging in sexually inappropriate behavior towards plaintiff.

13. On July 6, 2015, Plaintiff complained to her supervisor about the physical threats, sexual harassment, and sexual assault, and as a result she was terminated from her job.

14. The Plaintiff was a productive, efficient, and professional employee. Plaintiff had received no reprimands or other disciplinary notices against her while employed at Bojangles'.

15. The Plaintiff contends that she was terminated by the Defendant, Bojangles', because she complained to her supervisors about the threats of violence, sexual harassment and sexual assault against her by her coworker.

16. The Plaintiff, further contends that her termination was merely a pretextual guise for discriminatory conduct.

VI. COUNT I-VIOLATION OF TENNESSEE HUMAN RIGHTS ACT (THRA)

17. Plaintiff re-alleges and re-avers the preceding paragraphs, and the preceding re incorporated herein by reference.

18. The Defendant, Bojangles', is an employer within the meaning of the Tennessee Human Rights

Act, hereinafter referred to as "THRA", Tenn. Code Ann. § 4-21-101, et seq.

19. Plaintiff, Lisa Johnson, was an employee and member of a statutorily protected group during her employment by Defendant within the meaning of the THRA.

20. As a direct result of Defendants' use and consideration of Plaintiff's gender as a determining factor in the decision to discharge Plaintiff, Defendants violated and breached their duties to the Plaintiff within the scope of the THRA.

21. The Defendants' decision to discharge Plaintiff is a *prima facie* case of retaliation against Plaintiff for opposing the sexual discrimination against her. Plaintiff engaged in a protected activity under the THRA by complaining to her supervisor about the ongoing threats of violence, sexual harassment, and sexual assault against her, and as a result, Plaintiff was terminated from her job.

22. As a direct and proximate result of Defendants violation of the THRA, the Plaintiff has suffered, and will continue to suffer, direct and consequential damages, including but not limited to:

- a. Loss of employment;
- b. Loss of wages; loss of fringe benefits;
- d. Past and future loss of health benefits.
- e. Mental anguish, humiliation, physical and emotional distress, and loss of mental well-being;

23. Plaintiff contends that the Defendants' conduct was willful, wanton and reckless.

24. Plaintiff contends that Defendant violated the THRA by wrongfully terminating Plaintiff based on her gender and in retaliation of Plaintiff's opposition to the threats of violence, sexual harassment, and sexual assault against her.

VII. COUNT II-NEGLIGENCE
(Against Defendants Bojangles' Restaurants Inc. and Bojangles' International, LLC)

25. Plaintiff re-alleges and re-avers the preceding paragraphs, and the preceding re incorporated herein by reference.

26. Defendants, in operating a restaurant and undertaking the day to day management of employees to provide food product to customers, owed a duty of reasonable care to protect their employees from harm.

27. Defendants, Bojangles' Restaurant Inc., and Bojangles' International, LLC by failing to ensure that the work environment of Bojangles' store #69 was free of verbal threats of violence, sexual harassment, and sexual assault, breached their duty of reasonable care.

28. Defendants Bojangle' Restaurants, Inc. and Bojangles' International, LLC failed to properly train and supervise their employees, thereby causing or allowing to be caused the threats of violence, harassment, and assault that Plaintiff suffered and as a result breached his/her duty of due care to Plaintiff.

29. It was foreseeable that the Defendants Bojangles' Restaurants, Inc. and Bojangles International, LLC conduct would lead to Plaintiff suffering harm, including fear for her bodily safety, humiliation, and emotional distress.

30. Defendants' conduct was the direct and proximate cause of Plaintiff's injury.

31. Defendant Bojangles' Restaurant, Inc., and Bojangles' International, LLC is liable for its own conduct and the acts and omissions of its servants, employees, agents, and contractors

pursuant to the doctrines of agency, *respondeat superior*, vicarious liability, and as a result of the Bojangles' non-delegable duty to ensure the health and safety of their employees.

VIII. COUNT III-ASSAULT
(Against defendants Bojangles' Restaurants Inc. and Bojangles' International, LLC)

32. Plaintiff re-alleges and re-avers the preceding paragraphs, and the preceding are incorporated herein by reference.

33. Plaintiff was subjected by a co-worker to assault by touching, tickling and otherwise subjecting Plaintiff to unwanted physical advances, which at times were accompanied by verbal sexual harassment and threats of physical violence.

34. Plaintiff in a timely and proper manner did request help from her workplace supervisor regarding the harmful behavior to which she was subjected by her co-worker. Instead of being helped in her claims of sexual assault and harassment the plaintiff was terminated her from her employment with Bojangles'.

35. It was foreseeable that Defendants' conduct toward Plaintiff would result in severe emotional distress.

36. Defendants' conduct was intentional.

37. Defendants Bojangles' Restaurants, Inc. and Bojangles International, LLC are liable for its own conduct and the acts and omissions of its servants, employees, agents, and contractors pursuant to the doctrines of agency, *respondeat superior*, vicarious liability, and as a result of Bojangles' non-delegable duty to ensure the health and safety of their employees.

38. Plaintiff suffered injuries, including, but not limited to, loss of employment, loss of wages, humiliation, fear, and severe emotional distress.

DAMAGES

39. At the time of her termination from her employment with Bojangles', Plaintiff, Lisa Johnson, was thirty-six (36) years old, and had five (5) children under the age of 18.

40. As a direct and proximate result of the defendants' negligence, the Plaintiff suffered threats of physical violence, sexual harassment, sexual assault, and loss of employment, which resulted in loss of wages, fear, embarrassment, severe emotional distress, and loss of mental well-being.

41. As a further direct and proximate result of the negligence of the defendants, Plaintiff incurred additional costs and other considerable inconveniences due to the loss of her job and wages, and incurred additional expenses due to her support of her five children.

42. As a further direct and proximate result of the negligence of the defendants, Plaintiff suffered extreme emotional distress.

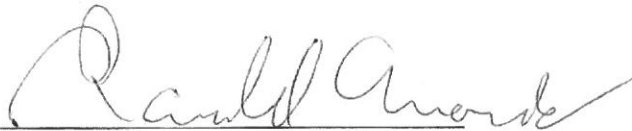
43. Plaintiff, Lisa Johnson, seeks exemplary damages, pre-judgment interest, post-judgment interest, costs of the court, and such other and any other relief to which she may be entitled.

VIII. PRAYER FOR RELIEF

44. Plaintiff, Lisa Johnson, respectfully prays that defendant Bojangles' Restaurants, Inc. and Bojangles'' International, LLC are cited to appear and answer, and that upon jury trial, she recovers a judgment against the Defendants for all damages sought, including all court costs, prejudgment interest at the highest rate allowed by law, interest on the judgment at the highest legal rate from the date of judgment until collected and any other relief in law and in equity to which she may be entitled.

Respectfully submitted,
Lisa Johnson, for herself
By Counsel:

LAW OFFICE OF RONALD ARONDS, LLC

By: 
Ronald Aronds, Esq., B.P. R # 033068
Attorney for the Plaintiff
537 Market Street – Suite LL20
Chattanooga, TN 37402
(844) 276-6371